



PLANNING & ZONING REPORT

Zoning Board of Appeals Meeting of June 22, 2022

File # 032-22

APPLICANT: Architect Joseph Anderson for Sadruddin & Penny Lakhani

LOCATION: 1334 and 1344 East State Street

REQUESTED ACTION: A Special Use Permit for a gas station and convenience store in an R-1, Single-family Residential Zoning District, C-1, Limited Commercial Zoning District, and a C-3, General Commercial Zoning District.

EXISTING USE: Gas station and convenience store

PROPOSED USE: Gas station and convenience store

DIMENSIONS: Irregular shape **SQUARE FOOTAGE:** 22,517 sq. ft.

ADJACENT ZONING AND LAND USES:

NORTH:	R-1	Condominiums, Mixed Residential
EAST:	R-1 & R-3	Apartment buildings, Single-family residences
SOUTH:	C-2	UW-Health SwedishAmerican Hospital
WEST:	C-1	Office buildings

YEAR 2020 PLAN: CO/O Office Overlay

SOILS REPORT:

HISTORY: **File #004-21:** A Special Use Permit for a Planned Unit Development for a shared parking lot for a multi-family complex and a single family residence in an R-1, Single family Residential and R-4, Multi-family Zoning District was approved April 7, 2021 for the property located at 1404 and 1416 East State Street and 119 Summit Street. These properties are located directly east of the subject property.

File #085-01: A Modification of Special Use Permit #123-99 for a Planned Mixed-Use Development for a hospital and hospital campus larger than 10 acres and to include outside storage of a mobile P.E.T. Unit in a C-2, Commercial Community Zoning District was approved on September 9, 2001 for the property located at 1401 Charles Street. This property is located directly south of the subject property.

File #090-00: A Special Use Permit for a gas station/convenience store and a Variation to allow landscaping to remain "as is" in a C-3, Commercial General Zoning District was approved on November 11, 2000 for the property located at 1344 East State Street. This is a portion of the subject properties.

File #123-99: A Special Use Permit for a Planned Mixed-Use Development for a hospital and hospital campus larger than 10 acres in a C-2, Commercial Community Zoning District, was approved on December 20, 1999 for the properties located at 1300-1400 Charles Street, 1300-1400 East State Street, 1300 block of 2nd Avenue, and 1300-1400 even addresses of 3rd Avenue. These properties are located directly south of the subject property.

REVIEW COMMENTS: The Applicant is requesting a Special Use Permit for a gas station and convenience store in an R-1, Single-family Residential Zoning District, C-1, Limited Commercial Zoning District, and a C-3, General Commercial Zoning District. Exhibit A shows that the subject properties are located on the northwest corner of the East State Street and Summit Street intersection. The parcel is surrounded by commercial and residential uses (Exhibits B & C).

Exhibit D is the proposed site plan submitted by the Applicant. Exhibit D shows the existing 1,400 square feet convenience store building, the existing freestanding gas canopy with three (3) gas pumps, parking lot, and dumpster enclosure. Additionally, Exhibit D shows a 1,360 square feet addition to the west side of the existing convenience store building, new retaining wall, and access drive that leads from East State Street to an overhead door on the west side of the proposed addition. The existing gas station with convenience store and addition requires 11 parking spaces (using the four (4) parking spaces per 1000 square feet of retail space).

Furthermore, Exhibit D is the proposed landscaping plan submitted by the Applicant. The development of the site requires an evaluation of the required landscaping. The number of parking spaces and the amount of paved area requires landscaping provisions to be met, which consists of Shade Trees, Perimeter Landscaping, and Interior Landscaping. The current site has 284 feet of street frontage along East State Street and Summit Street, which will require six (6) shade trees (using the one shade tree per 50 lineal feet of frontage along a street right of way). Additionally, there will be one more shade trees required (using one shade tree per 10 parking spaces). Exhibit D does propose minimal landscaping along East State Street and Summit Street but Staff could not determine if the landscaping consisted of shade trees, as the species of the landscaping was not provided. Perimeter landscaping along East State Street and Summit Street will require 2,840 Landscape Units (using the 10 LU's per lineal foot of zoning district boundary line). Exhibit D shows two (2) new landscape beds along East State Street and Summit Street. Exhibit D does show landscaping along the west property line and the removal of the existing paved surface north of the proposed building addition that will be replaced by green space. However, Exhibit D does not provide for a Type C Buffer along the north property line or provided the required perimeter landscaping.

Interior landscaping will require a minimum 8% of the total land area devoted to the use as the total paved area that exceeds 5,000 square feet but not more than 30,000 square feet. In addition, a portion of the interior landscaping must be used adjacent to the building and proposed addition such that at least 50% of the building base or foundation facing the parking area is planted with shrubs or trees. Exhibit D does show an interior island

along the west side of the proposed addition and the row of parking spaces south of the convenience store. Exhibit D shows that the existing convenience store and proposed addition does have 50% foundation landscaping.

Upon review of Exhibit D, the proposed landscaping plan does mainly meet the requirements of the Zoning Ordinance with the proposed landscaping but only for the new addition.

The Applicant did not provide a new interior plan for the existing convenience store and proposed addition.

The Applicant submitted Exhibit E, which shows the elevations of the existing convenience store with proposed addition and the existing gas canopy. However, Exhibit E does not give any details on the color scheme or materials to be used on the new addition or the existing convenience store and gas canopy.

The Applicant did not provide a business plan explaining what the new addition will be used for, what the overhead door on the west side of the addition will be used for, or what the hours and days of operation will be.

Exhibit F shows that there have been 15 Calls of Service for the Police Department in the past 24 months for 1334 and 1344 East State Street.

Staff understands the Applicant's desire to expand the gas station and convenience store; however, Staff feels the information provided is unclear as to what the new addition will be used for. Additionally, the provided plans did not bring the site into compliance with the Zoning Ordinance.

Finally, Staff feels that this site will be constrained to add another use that would generate additional on-site traffic. This proposal will have a negative impact to the surrounding neighborhood and the proximity is too close to residential. The adjacent intersection is heavily traveled and congestion is an issue, especially at peak times. The plans do not address the existing curb cuts and actually add another access point from East State Street.

Staff does not support the proposal for a gas station and convenience store with a new addition.

RECOMMENDATION: Staff recommends **DENIAL** of a Special Use Permit for a gas station and convenience store in an R-1, Single-family Residential Zoning District, C-1, Limited Commercial Zoning District, and a C-3, General Commercial Zoning District.

See attached findings of fact.

SC:DM 06/14/2022

**FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT
FOR A GAS STATION AND CONVENIENCE STORE
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT,
C-1, LIMITED COMMERCIAL ZONING DISTRICT, AND
A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 1334 AND 1344 EAST STATE STREET**

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to and endanger the public health, safety, morals, comfort and general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the R-1, C-1, and C-3 Districts in which it is located.

Exhibit A
1334 and 1344 East State Street
SUP
#032-22

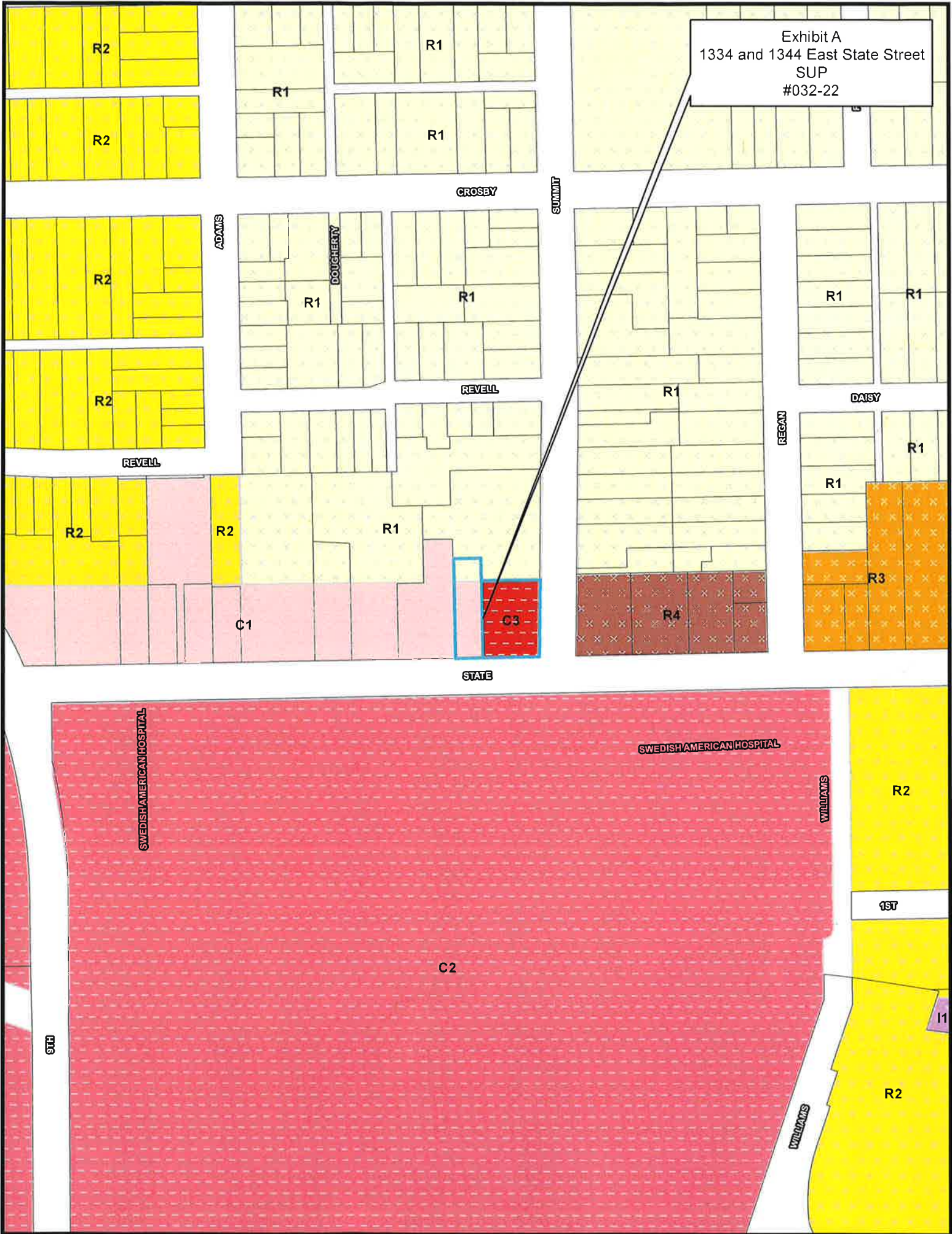


Exhibit B
1334 and 1344 East State Street
SUP
#032-22

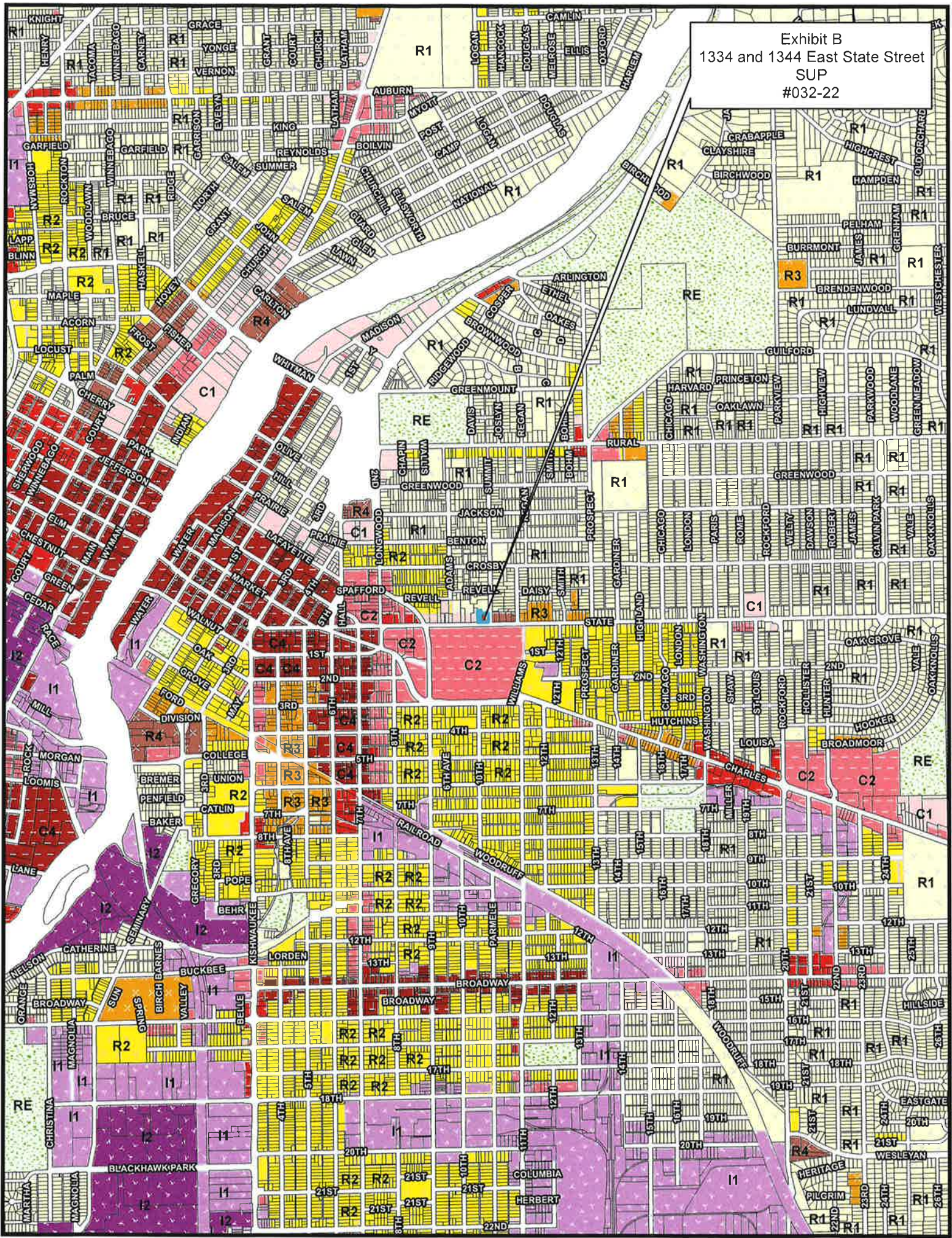


Exhibit C
1334 and 1344 East State Street
SUP
#032-22

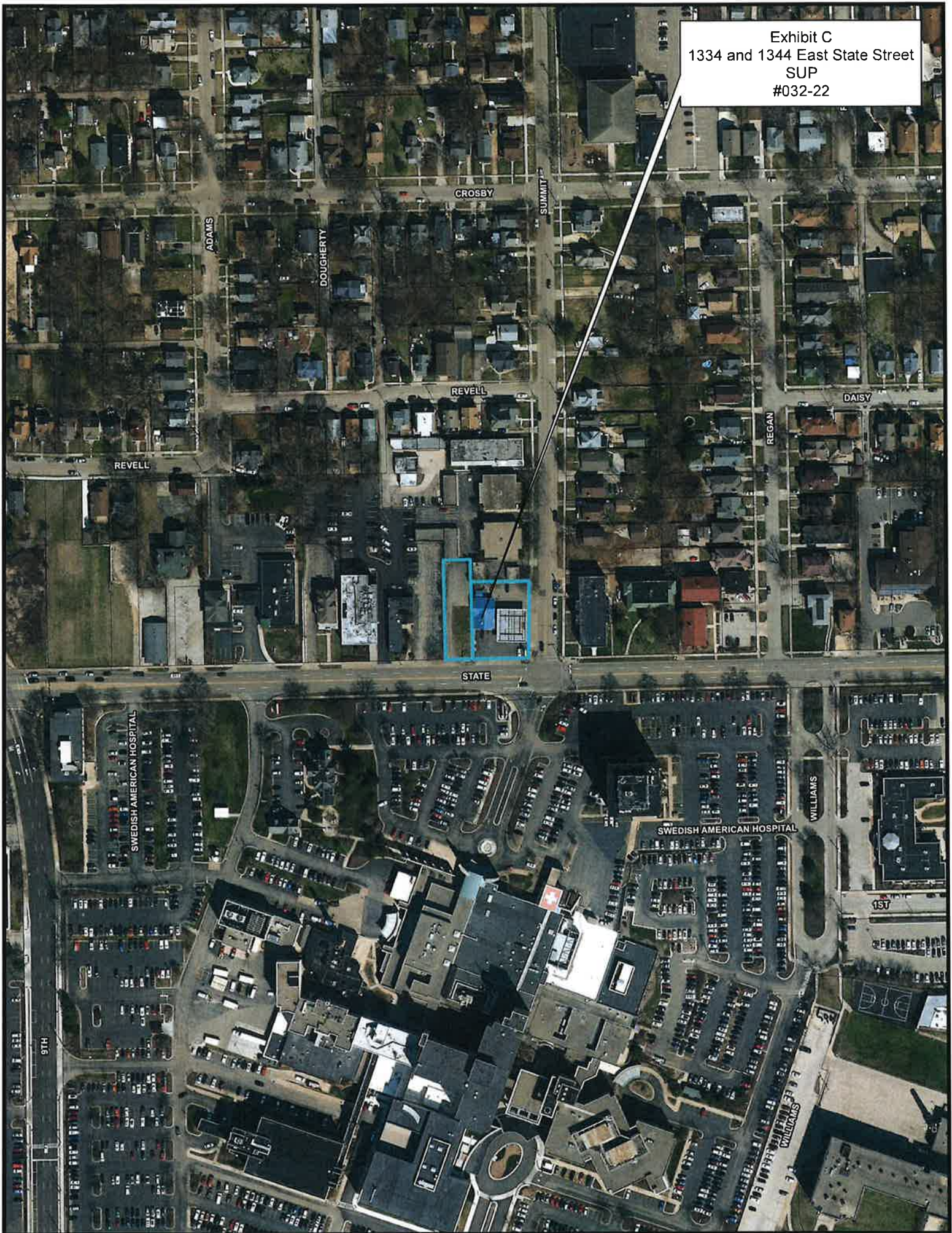
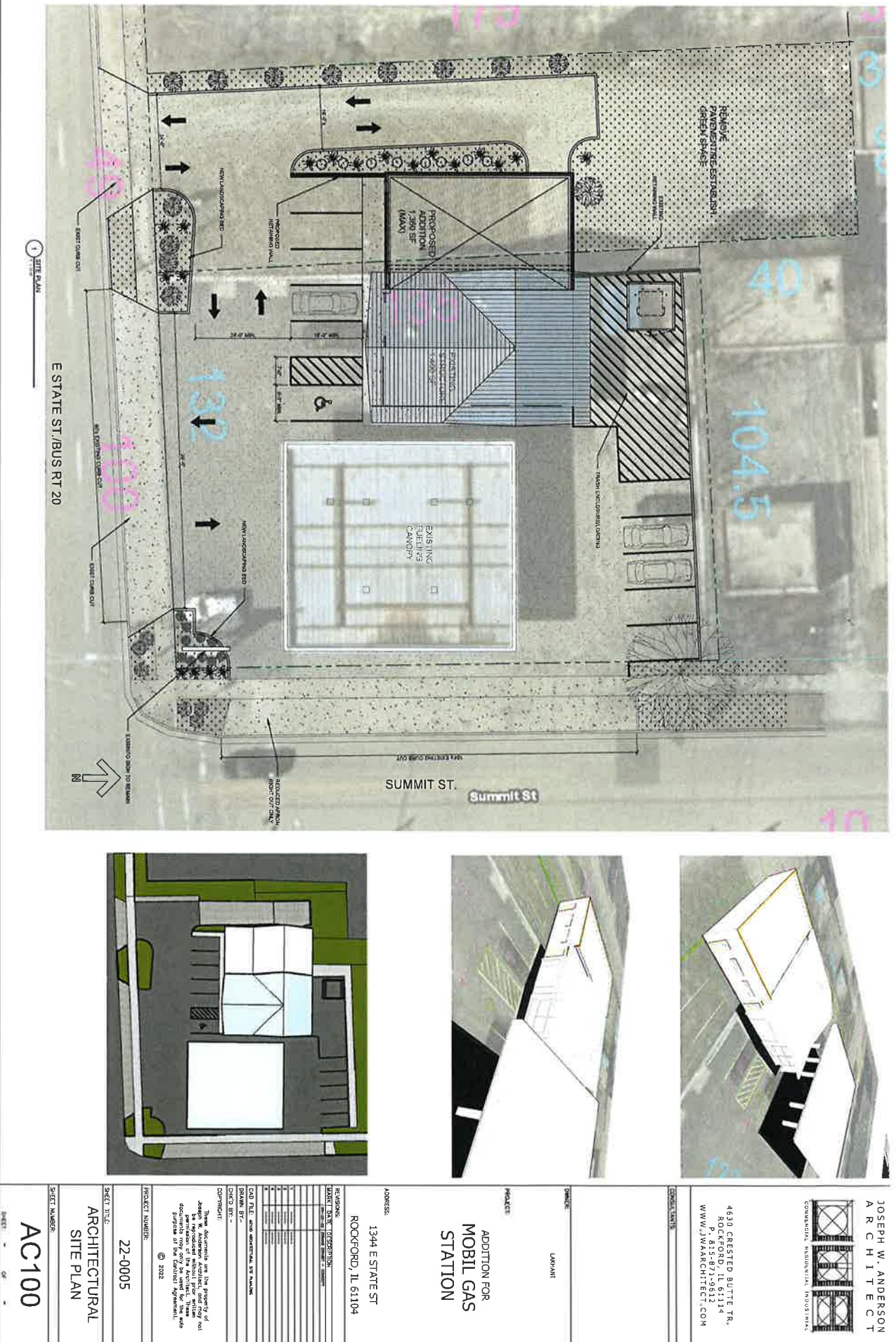


Exhibit D
1334 and 1344 East State Street
SUP
#032-22



Please note that calls are subject to change as Calls for Service are submitted. Offenses represent the initial call: not the verified offense.

City of Rockford Police Department

Calls for Service For

5/25/2020 to 8/31/2020

Exhibit F
1334 and 1344 East State Street
SUP
#032-22

CFS Number	CFSDate	Time	Reported Offense (Non-Verified)	Location
20-059733	06/07/2020	10:18	7252 Check for well-being	1344 E STATE ST
20-059761	06/07/2020	11:45	7160 Service to other agency- Other agency	1344 E STATE ST
20-060833	06/10/2020	3:56	7252 Check for well-being	1344 E STATE ST
20-062645	06/14/2020	0:36	7980 911 Information	1344 E STATE ST
20-064401	06/18/2020	5:36	2890 Disorderly Conduct	1344 E STATE ST
20-073351	07/06/2020	6:27	7252 Check for well-being	1344 E STATE ST
20-074638	07/09/2020	12:01	7977 Central Reporting Unit - DPR	1344 E STATE ST
20-088499	08/10/2020	18:12	7829 Preliminary follow-up patrol	1344 E STATE ST
20-090306	08/14/2020	12:17	7350 Domestic Trouble (911 CAD Code)	1344 E STATE ST
20-090529	08/14/2020	21:15	7341 Mini-bike complaint	1344 E STATE ST
20-091401	08/17/2020	1:12	0810 Theft (more than \$300- Unauthorized Control)	1344 E STATE ST
11				

Data obtained from NeIRMS.
Produced: 5/27/2022 9:16:02AM

Please note that the Call for Service is specified for a property. Location is not specific to any person, place, or event. Call for service location is tied to the location to where the call was received.

Call Number	Event Date	Location	Situation Reported	Call Disposition	Agency
22-012015	2022-01-18T23:22:38	1334 E State St	ARMED SUBJECT	UTL - UNABLE TO LOCATE / UTL - UNABLE TO LOCATE / UTL - UNABLE TO LOCATE / UTL - UNABLE TO LOCATE /	Rockford Police Department
21-199461	2021-09-14T08:43:57	1334 E State St	RECOVER STOLEN AUTO	DUP - DUPLICATE	Rockford Police Department
21-199446	2021-09-14T08:26:53	1334 E State St	RECOVER STOLEN AUTO	NRPT - NO REPORT / NRPT - NO REPORT / RPT - REPORT / RPT - REPORT	Rockford Police Department
21-199426	2021-09-14T08:00:34	1334 E State St	RECOVER STOLEN AUTO	LAWNO - LAW NO DISPOSITION	Rockford Police Department